

Notice of Allowability

Application No.

10/614,952

Examiner

Tony G. Soohoo

Applicant(s)

FELDMEIER, ROBERT H.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-18-05.
2. ☒ The allowed claim(s) is/are 1-5 and 11-14.
3. ☒ The drawings filed on 7-8-2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bernhard P. Molldrem, Jr on Aug 08, 2005.

The application has been amended as follows:

IN THE SPECIFICATION, on page 6,

Replace the paragraph on lines 20-25 with the following paragraph:

The pair of lip seals 36, 42 are spaced from one another and disposed over the drive shaft 28 at respective ends of the shaft housing 22. The drive shaft 28 has a constant diameter at least through the shaft housing 22 and at the positions of the lip seals 36, 42. The lips of the seals 36, 42 extend along the drive shaft 28 in the distal direction, and lies against the circumferential surface of the drive shaft 28, so that any overpressure in the shaft housing is relieved only in the direction toward the impeller end of the shaft. Thus, when cleaning fluid is applied under pressure during a clean-in-place procedure, the cleaning fluid is applied through the tube 40, and the cleaning fluid exits out under the lip seal 36 so that it sprays against the back or proximal side of the impeller 24. On the other hand, during times when the dairy product or fruit juice,

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for example, is stored in the tank 10, the pressure of the liquid against the lip seal 36 acts to press the lip against the drive shaft so that the liquid does not exit the tank. ---

The Examiner's amendment was initiated and made in order place the specification in better condition for allowance.

The following is an examiner's statement of reasons for allowance:

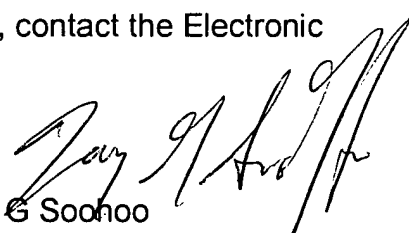
The claims define over the art of record whereby within the environment of a clean-in-place agitator assembly of the type having an impeller, and drive means disposed outside the tank outer wall, the claims require, at the least, the cooperation of elements of a pair of lip seals, drive shaft, and means for admitting cleaning solution such that the lip seals are spaced from one another and disposed over the drive shaft at respective ends of the shaft housing upon a drive shaft, and the shaft having a constant diameter at least through the shaft housing 22, and at the positions of the lip seals and the structural cooperation of a means for admitting a cleaning solution to pressurize the shaft housing annulus to the effect of causing the cleaning fluid to pass the lip seal and spray against the proximal side of the impeller.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM, Tue-Fri (As of 9/05 Fax will be 571-273-8300).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tony G Soohoo
Primary Examiner
Art Unit 1723
